# OFFICE OF DIANE TRAUTMAN

### COUNTY CLERK, HARRIS COUNTY, TEXAS PROBATE COURTS DEPARTMENT

#### AFFIDAVIT OF DISTRIBUTEES  SMALL ESTATE  WITH JUDGE'S ORDER OF APPROVAL

CHAPTER 205 OF THE TEXAS ESTATES CODE

In Matters of Probate § Docket No.

Probate Court No. § Style of

Harris County, Texas § Estate:

Deceased

To the Honorable Judge of said Court:

This, the affidavit of all of the distributees of the estate of , deceased, is respectfully submitted and shows:

1. That died on or about

(Name of Deceased) (Date of Death)

without leaving a Will, in .

(City and State)

1. That the domicile of the decedent at the time of death was County, Texas, or state other facts showing venue in this county.
2. That no petition for the appointment of a personal representative of the decedent's estate is pending nor has been granted.
3. That more than thirty days have elapsed since the death of the decedent.
4. That the value of the entire estate, not including homestead and exempt property, does not exceed seventy-five thousand dollars ($75,000.00).
5. That the assets of the decedent are as follows:

#### NOTE: Community Property is that which is acquired during marriage other than by gift or inheritance.

**Separate Property is that which is owned before marriage or acquired by gift or inheritance during marriage.**

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| --- | --- | --- | --- | --- |
| **Description of Asset(s)** | **Account Number Vehicle Identification Number****Etc.** | **Indicate Community or Separate** | **Exempt Property** | **Value** |
| *Example: Bank of America* | *Act # 123456789* | *Community* | *Yes or No* | *$12,000* |
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1. The legal description of the decedent's homestead is: Lot Block

Subdivision

Physical Address

#### \* Chapter 205 of the Texas Estates Code does not affect the disposition of property under the terms of a Will or other testamentary document, nor does it transfer title to real property other than the Decedent's homestead.

1. That all the known liabilities of the decedent's estate are as follows:

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| --- | --- | --- | --- |
| **Description of Liabilities / Debts** | **Account Number** | **Indicate Community or Separate** | **Balance Due** |
| *Example: Capital One Credit Card* | *Act # 123456789* | *Separate* | *$4,000* |
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1. That the names, addresses, and telephone numbers of all distributees, and their right to receive money or property or to have such evidences of money, property or other rights, to the extent that the assets, exclusive of homestead and exempt property, exceed the known liabilities of the estate are as follows:

|  |  |  |
| --- | --- | --- |
| **Names, addresses, and phone numbers of distributees (Inheritors)** | **Capacity in****which claim is made** | **Portion of estate to which entitled****(To be completed by court)** |
| *Example: John Doe  1000 Main St.  Houston, Texas 77000 (713) 755-6425* | *Son* | Community Share | Separate Share |
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1. Wherefore the distributees of the estate pray that the court enter an order and approve the distribution of that part of the estate to which each distributees is entitled without awaiting the appointment of a personal representative.

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| **Signatures of Distributees (Inheritors)** |
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| **Before me, the undersigned authority, on this day personally appeared:*****Print names of distributees (Inheritors)*** |
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who being by me duly sworn upon oath states that the foregoing affidavit is true and correct in every respect. Sworn and subscribed to by the named distributees on: .

(Date)

Notary Public in and for the State of Texas

COUNTY OF HARRIS § STATE OF TEXAS §

#### HEIRSHIP AFFIDAVIT

##### To be filled out and signed by two disinterested witnesses.

***NOTE: A disinterested witness is someone who does not inherit from the decedent.***

Before me, the undersigned authority, on this day personally appeared

(First Disinterested Witness)

and , who being first by me duly sworn on oath state: (Second Disinterested Witness)

* 1. **Witness Information**

I, , reside at

(First Disinterested Witness) (Address)

 , County, . I am (City) (County) (State)

personally acquainted with the family history and facts of heirship of ,

(Name of Deceased)

deceased, hereinafter called "Decedent" who was my . I knew Decedent for years.

(Relationship to Decedent)

I, , reside at

(Second Disinterested Witness) (Address)

 , County, . I am (City) (County) (State)

personally acquainted with the family history and facts of heirship of ,

(Name of Deceased)

deceased, hereinafter called "Decedent" who was my . I knew Decedent for years.

(Relationship to Decedent)

## Decedent Information

Decedent died on , in , County, (Date of Death)

State of , without leaving a Will.

## Marital History

##### (Check Box that Applies)

Decedent was married to on (Surviving Spouse)

 , and remained married until decedent's death and was never divorced. (Date of Marriage)

Decedent was never married.

Decedent was not married at the time of death but was married to

(Name of Spouse)

on , and was widowed/divorced on . (Date of Marriage) (Circle One) (Date of Termination of Marriage)

## Family History

##### (Check Box that Applies)

Decedent had no children.

Decedent had the following children by birth or adoption: ***(List all children living or deceased)***

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| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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Decedent never adopted any children nor cared for any children in the home other than the above named children. Is the surviving spouse the biological or adoptive parent of all children listed above?  Yes  No

1. If any child of Decedent is deceased, list all children of the deceased child or children.

Name of Deceased Child:

Children of Deceased Child

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| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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Name of Deceased Child:

Children of Deceased Child

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| --- | --- | --- | --- |
| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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If decedent was not survived by children or grandchildren, then complete. Parents of Decedent ***(List both parents living or deceased)***:



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| --- | --- | --- | --- |
| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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1. If decedent was not survived by his/her parents or only one parent, then complete. Brother(s) and/or Sister(s) of Decedent ***(List all siblings living or deceased)***:

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| --- | --- | --- | --- |
| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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1. If any brother(s) or sister(s) has predeceased decedent then complete.

Names of deceased brother/sister:

Children of Deceased Brother/Sister

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| --- | --- | --- | --- |
| **Name** | **Address** | **Age or date****of death** | **Alive or deceased** |
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The above statements are true and correct.

Executed on . (Date)

Signature of first disinterested witness

Signature of second disinterested witness

Subscribed and sworn to before me, by , first disinterested witness, on

, to certify which witness my hand and seal of office.

(Date)

Notary Public in and for the State of Texas

Subscribed and sworn to before me, by , second disinterested witness, on

, to certify which witness my hand and seal of office.

(Date)

Notary Public in and for the State of Texas

***Note: If blanks are not sufficient for information, a separate sheet may be attached.***

# OFFICE OF DIANE TRAUTMAN

### COUNTY CLERK, HARRIS COUNTY, TEXAS PROBATE COURTS DEPARTMENT

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| IN MATTERS OF PROBATE | § | DOCKET NO.  |
|  | § |  |
| PROBATE COURT NO.  | § |  |
|  | § | STYLE OF DOCKET:  |
| HARRIS COUNTY, TEXAS | § | DECEASED |

#### ORDER AND APPROVAL OF JUDGE FOR AFFIDAVIT OF DISTRIBUTEES - SMALL ESTATES

**(CHAPTER 205 OF THE TEXAS ESTATES CODE)**

The foregoing affidavit of the distributees of the estate of

 , deceased, is found to conform to Texas Estates Code §205, has been examined,

and is approved by the Court on .

Judge of Probate Court No.

#### CERTIFICATE OF RECORD

I, the Clerk of the Probate Court No. of Harris County, Texas, do hereby certify that the foregoing instrument is a true and correct record of said instrument as filed and recorded in the Probate Records of Harris County, as approved by the Judge of said Court for recording in the "Small Estate" Records of Harris County, Texas.

DIANE TRAUTMAN

County Clerk, Harris County, Texas

DEPARTMENT HEAD